Sunday Baseball.—A few peace loving citizens of Atlantic City, residing near Inlet Baseball Park, filed a bill to restrain Sunday baseball playing because of the noise and disturbance of the peace and quiet of the Sabbath. More than 40 persons similarly situated swore that the noises were quite inappreciable and not at all disturbing. The case turned upon the question whether or not the affidavits on behalf of defendants showed the complainants to be untruthful as to the existence of the noise. The Chancery Court in McMillan et al. *v.* Kuehnle et al., 73 Atlantic Reporter, 1054, holds that a preliminary injunction will issue if there be no proof that complainants are morbidly sensitive and their affidavits show a cause of nuisance, it being presumed that they are persons of ordinary sensibility and truthful concerning the existence of the nuisance as to themselves.

Nonintoxicating Liquor Regulations as Interference with Constitutional Privileges.—An act was passed in Alabama which prohibited sale of certain nonintoxicating liquors at any place where the sale of spirituous, vinous, or malt liquors was forbidden by law. In Elder *v.* State, 50 Southern Reporter, 370, it was urged that the Legislature had no power to prohibit the sale of articles not injurious to either the health or the morals of the people, and that such a statute was an unwarranted invasion of the rights of the citizen. On the other hand, it was asserted that in order more thoroughly to prohibit the sale of malt liquor, known to be an intoxicant, and to safeguard against evasions of such law, the state had power to prohibit the sale of any beverages containing the ingredient of malt liquors. The Alabama Supreme Court held the act unconstitutional, concluding that these drastic prohibitory laws are doubtless intended for the moral benefit and elevation of mankind; but their moral purpose or beneficent results must not be considered, to save them, when they invade the sanctity of the constitutional rights of our citizens.

Right of Gas Company to Quit Business.—In the case of East Ohio Gas Co. *v.* City of Akron, 90 Northeastern Reporter, 40, the question arose as to the right of the gas company to withdraw from business in the city and remove its mains and plant. It had been operating under a charter reciting the objects of incorporation as the maintenance of pipe lines running through certain counties and furnishing gas to certain towns and cities "and to other cities," etc. The Akron ordinance granting the right to operate in the streets gave the company authority to repair and remove its mains, pipes, etc. The Ohio Supreme Court held that the remedy for nonuser of the company's charter powers was with the state and not the city, and that its acceptance of the city ordinance did not constitute an irre-